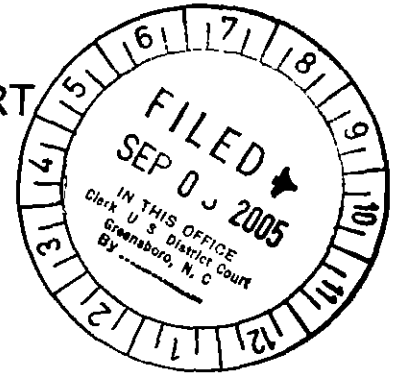


UNITED STATES DISTRICT COURT

Middle District of North Carolina



BANNER PHARMACAPS INC.,)

Plaintiff,)

v.)

PERRIGO COMPANY; L. PERRIGO)
COMPANY, AND PERRIGO)
COMPANY OF SOUTH CAROLINA,)

Defendants.)

#1:04CV492

J-U-D-G-M-E-N-T

On August 1, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. 636(b). No objections were received by the court within the time prescribed by the statute.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's motion for partial summary judgment be **GRANTED** as to whether Defendant has literally infringed Claims 8, 12, 13, and 14 of the '516 patent, and **DENIED** as to the issues of inequitable conduct, fraud, anti-trust liability, and marking.

DATE: September 6, 2005


UNITED STATES DISTRICT JUDGE